



05 SEP 2003

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In re Application of
HARTMANN, Marcus et al.

Application No.: 09/914,870

PCT No.: PCT/EP00/01853

Int. Filing Date: 03 March 2000

Priority Date: 04 March 1999

Attorney Docket No.: P67083US0

For: β -HEXOSAMINIDASE AND A DNA
SEQUENCE CODING IT OBTAINED
FROM CILIATES AND USE THEREOF

DECISION ON

REQUEST

UNDER 37 CFR 1.497(d)

This decision is in response to "Renewed Request Under 37 CFR 1.497(d)," filed in the United States Patent and Trademark Office on 28 February 2003.

BACKGROUND

On 03 March 2000, applicants filed international application PCT/EP00/01853. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 September 2000. The deadline for entry into the national stage in the United States was thirty months from the priority date, or 04 September 2001.

On 04 September 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 28 August 2001, the Office mailed NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 28 January 2002, applicants filed a response to the Notification of Missing Requirements.

On 14 May 2002, the Office mailed NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration did not comply with 37 CFR 1.497(a)-(b).

On 14 June 2002, applicants filed a Request Under 37 CFR 1.497(d).

On 12 December 2002 and 13 December 2002, applicants filed a petition under 37 CFR 1.181 accompanied by a postcard and papers claimed to have been filed with the Office on 28 January 2002.

On 31 December 2002, the Office mailed Decision On Request Under 37 CFR 1.497(d) refusing applicants' Request and dismissing the included petition under 37 CFR 1.181 without prejudice.

On 28 February 2003, applicants submitted a Renewed Request Under 37 CFR 1.497(d).

DISCUSSION

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

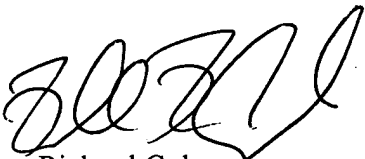
Items (1) and (2) were previously met.

Item (3) has now been met.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is GRANTED.

The application has an international filing date of 03 March 2000 under 35 U.S.C. §363 and a date of 28 January 2002 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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